

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

GARY JAMES CUMMINGS, #02147545

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VS.

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CIVIL ACTION NO. 4:20cv531

**DIRECTOR, TDCJ-CID**

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## **ORDER OF DISMISSAL**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who issued a Report and Recommendation concluding that the petition for writ of habeas corpus should be denied and dismissed with prejudice. No objections were timely filed.<sup>1</sup>

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. The Court concludes that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

It is accordingly **ORDERED** the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**.

It is further **ORDERED** that all motions not previously ruled on are hereby **DENIED**.

So ORDERED and SIGNED this 26th day of May, 2023.

  
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SEAN D. JORDAN  
UNITED STATES DISTRICT JUDGE

<sup>1</sup> A copy of a subsequent Order (Dkt. #26) was returned as undeliverable on April 12, 2023, indicating that Petitioner has been released. (Dkt. #27). Petitioner has not updated his address with the Court.